

Honorable Governor Anibel Acevedo Vila
ADDRESS

Dear Governor Acevedo Vila:

In EPA's November 3, 2005 letter to you, among other things EPA requested that by November 30, 2005 the Commonwealth officially notify EPA, in writing (in English), of all changes that have been made to Puerto Rico's Solid Waste Management Program, including any changes to the solid waste management regulations that EPA approved in 1994. EPA requested that for all regulatory changes, the Attorney General provide a precise description of the changes and the rationale for the changes, and that he/she certify the adoption of the changes. EPA also requested an English-language text of the revised regulations with a certification that the English-language version was properly translated. In that letter EPA noted particular concern with changes to the definition of lateral expansion, composite liner, and changes to the financial assurance requirements.

In response to this request, on May 11, 2006, EPA received via email an electronic copy, translated into English, of the of the Commonwealth's most current solid waste management regulations. EPA did not receive the Attorney General's description of the changes, the rationale for the changes, the certification that the changes were in effect, nor the assurance that the regulations were accurately translated.

EPA currently is reviewing the translated version of the regulations it received electronically on May 11, 2006. Upon our initial review, we have noted a number of changes which may not be consistent with federal requirements pursuant to 40 CFR Part 239 and Part 258. These changes include: the definition of lateral expansion and composite liner, and the applicability of financial assurance requirements. These changes, along with others EPA has noted, may jeopardize Puerto Rico's MSWLF program approval status.

Although this review will be on going for several weeks, EPA would like to discuss these changes with the Commonwealth as soon as possible, and advises the Commonwealth not to make any additional changes to its solid waste management regulations. EPA also notes that any closures and projected expansions must be performed in accordance with regulations consistent with EPA's 40 CFR Part 258 MSWLF requirements.

Please contact me, at (212) 637-5000 at your earliest convenience to set up a conference call to discuss this matter. Thank you.

Sincerely,

Alan J. Steinberg
Administrator,
EPA Region 2

cc: EQB-name and title

SWMA-name and title

DNER-name and title

bcc:

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